IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 9732 of 2007(H)

PETITIONER:

ANIRUDHAN P.K., S/O LATE KANNAN,
AGED 61 YEARS, PANDARAPPATTATHIL,
VALAMANGALAM SOUTH P.O., THURAVOOR,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:
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1. SUBPERINTENDENT OF POLICE,
ALAPPUZHA.

2. SUB INSPECTOR OF POLICE,
KUTHIYATHODE POLICE STATION.

3. THANKAMMA, W/O LATE PARAMARTHAN,
AGED ABOUT 50 YEARS, MAVELO,
VALAMANGALAM SOUTH P.O., THURAVOOR, CHERTHALA,
ALAPPUZHA.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 9732 OF 2007

Dated this the 3rd day of April, 2007.

JUDGMENT

Koshy, J.

This is a petition alleging police harassment. It is submitted that on the basis of a Writ Petition filed by 3rd respondent, police only gave protection to measuring out the property of petitioner. This court is not deciding the civil dispute in a petition for police protection or alleging police harassment, filed under Article 226 of Constitution of India. The question whether petitioner has ownership or title of the property is a matter to be decided finally by the Civil Court. But petitioner cannot obstruct when police protection is ordered by this court for measurement of the property. We are not expressing any opinion regarding the civil dispute between the petitioner and third respondent. Police is bound to give protection as ordered by this court and at the same time the harassment should be avoided. Merely by measurement of the property civil right of the parties are not affected. Recording the submission that police will not compel the petitioner to sign any document, and investigation will be conducted according to law, this Writ Petition is disposed of.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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